

Enhanced Access

County Records Conference
April 2012

Enhanced Access Defined

The inspection of a public record by a person other than a governmental entity and that:

1. Is by means of an electronic device other than an electronic device provided by a public agency in the office of the public agency; or
2. Requires the compilation or creation of a list or report that does not result in the permanent electronic storage of the information.

Inspection Defined

Includes the right to do the following:

In the case of electronically stored data, to manually transcribe and make notes, abstracts, or memoranda or to duplicate the data onto a disk, tape, drum, or any other medium of electronic storage.

Providing Enhanced Access

- IC 5-14-8-3.6
- Enhanced access to public records may be provided by:
 1. the public agency's computer gateway; or
 2. Contract with a third party under which the public agency provides enhanced access to the person through the third party's computer gateway, or otherwise.
 3. IOT's computer gateway

Enhanced Access Contracts

Must provide for the protection of public records by prohibiting the third party from engaging in the following:

- Unauthorized enhanced access to public records
- Unauthorized alteration of public records
- Disclosure of confidential public records

A contract for enhanced access may require the payment of a reasonable fee to either the third party to a contract or to the public agency, or both, from the person.

Enhanced Access Fees

IC 5-14-3-8(b) Except as provided in this section, a public agency may not charge any fee under this chapter:

- (1) to inspect a public record; or
- (2) to search for, examine, or review a record to determine whether the record may be disclosed....

(h) A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

Enhanced Access Fund

- IC 5-14-3-8.3
- If the public agency charges an enhanced access fee under IC 5-14-3-8(h), the county council must adopt an ordinance establishing an enhanced access fund
- The fund is administered as designated in the ordinance

Allowable Use of the Enhanced Access Fund

- Appropriation is required prior to disbursement
- The fund is dedicated for the following purposes:
 1. The replacement, improvement, and expansion of capital expenditures
 2. The reimbursement of operating expenses incurred in providing enhanced access to public information

Enhanced Access vs. Copy Fees

Enhanced Access

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Copy Fee

The county recorder shall charge the following...
\$1 per page not larger than 8-1/2" x 14" for furnishing copies of records and \$2 per page that is larger than 8-1/2" x 14" ...

(IC 36-2-7-10)

Audit Position

- Situation specific
- Legal support for charging the fee under the authorizing statute you use
 - IC 36-2-7-10(b)(5) for deposit to RPF
 - IC 5-14-3-8(h) for deposit in Enhanced Access Fund
- Audit exception only when there is non-compliance with the law or uniform compliance guideline
